

ORIGINAL

FILED

August 31 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0354

STATE OF MONTANA,

Plaintiff and Appellee,

v.

DANNY SARTAIN,

Defendant and Appellant.

FILED

AUG 31 2009

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

**MOTION FOR EXTENSION OF TIME  
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Taryn Stampfl Hart, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until October 5, 2009, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 31st day of August, 2009.

OFFICE OF THE STATE PUBLIC DEFENDER  
Appellate Defender Office  
301 South Park, Room 568  
P.O. Box 200145  
Helena, MT 59620-0145

By: 

TARYN STAMPFL HART  
Assistant Appellate Defender

STATE OF MONTANA            )  
  : ss.

County of Lewis and Clark    )

I, Taryn Stampfl Hart, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The opening brief in this matter is currently due on September 3, 2009. This is Appellant's second extension request.

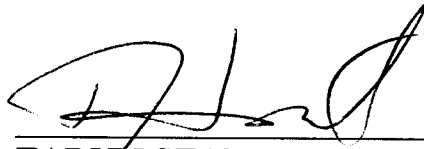
4. Counsel has numerous other appellate briefs that counsel must work on concurrently with the present matter.

5. In light of the complexity of the present case, counsel cannot complete the briefing and consult with the client in time to file the brief in a timely matter.

6. Counsel will work diligently to complete the matter in the time requested.

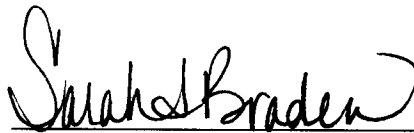
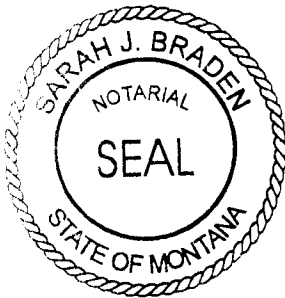
7. Opposing counsel has been contacted concerning this motion and does not object.

8. Further your affiant sayeth naught.



TARYN STAMPFL HART

SUBSCRIBED AND SWORN to before me this 31<sup>st</sup> day of  
August, 2009.



Sarah J. Braden

Notary Public for the State of Montana

Residing at Helena

My commission expires 1/25/2011

**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and accurate copy of the foregoing  
Motion for Extension of Time and Affidavit in Support to be mailed to:


STEVE BULLOCK  
Montana Attorney General  
MARK MATTIOLI  
Assistant Attorney General  
P.O. Box 201401  
Helena, MT 59620-1401

MARTY LAMBERT  
Gallatin County Attorney  
1709 W. College  
Bozeman, MT 59715

DANNY SARTAIN 2009296  
Montana State Prison  
700 Conley Lake Road  
Deer Lodge, MT 59722

DATED: \_\_\_\_\_

8/31/09

A handwritten signature in black ink, appearing to be 'J. L. Lambert', written over a horizontal line.